



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,593	03/29/2001	John Gorczyca	200384.0010 (ITW-12711)	5684

570 7590 06/18/2003

AKIN GUMP STRAUSS HAUER & FELD L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103-7013

EXAMINER

RODRIGUEZ, ISABEL

ART UNIT	PAPER NUMBER
----------	--------------

2836

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/820,593

Applicant(s)

GORCZYCA ET AL.

Examiner

Isabel Rodriguez

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4/11/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 15-16 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Vantine (US 4,496,375) in view of Partridge (US 5,055,963).

a) Regarding claims 1-3, 15-16 and 21-22, Le Vantine discloses an ionizer apparatus and a method of removing ions (Fig. 4) wherein the improvement comprises a filter comprising a metal screen (68) being electrically coupled to ground and positioned over the air inlet. Le Vantine does not disclose that the air ionizer has a positive and a negative electrode. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a positive and a negative electrode because a positive and a negative electrode are needed to establish a self-balancing effect. See col. 4 lines 51-55.

b) Regarding claims 4-6, Le Vantine discloses a filter comprising a metal screen (69) being electrically coupled to a dc voltage source and positioned over the air inlet.

c) Regarding claims 19-20 and 23-24, Le Vantine discloses the method of removing ions and further discloses the steps of placing a screen metal filter (68) over an interior surface of the air ionizer apparatus around the electrode and coupling the filter to a voltage source.

d) Regarding claims 13-14 and 25-29, Le Vantine discloses a filter comprising a metal screen (69) being electrically coupled to a dc voltage source and positioned over the air inlet. Le

Art Unit: 2836

Vantine does not disclose that the electrode is coupled to an ac power source. Partridge discloses an air ionizer in which the electrodes are supplied with ac current alternately generating positive ions and negative ions. See col. 8 lines 44-53. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize ac current to apply to the electrodes because the device can have the convenience of having a connector plug suitable for engagement with a standard utility outlet. See col. 8 lines 28-31.

3. Claims 1, 7-8 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Larigaldie et al. (US 4,864,459).

Larigaldie et al. discloses an ionizer apparatus and a method of removing ions (Fig. 1) wherein the improvement comprises a filter comprising a metal screen (6) being electrically coupled to ground and positioned over the air outlet. Larigaldie does not disclose that the air ionizer has a positive and a negative electrode. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a positive and a negative electrode because a positive and a negative electrode are needed to establish a self-balancing effect. See col. 4 lines 51-55.

4. Claims 1 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Rump et al. (US 6,375,714)

Regarding claims 1 and 9-12, Rump et al. discloses an ionizer apparatus (Fig. 12) wherein the improvement comprises a filter comprising a metal screen (12.3) being electrically coupled to dc feedback voltage (see col. 9 lines 22-24) and positioned over the air outlet and a

Art Unit: 2836

sensor at the air outlet for sensing ion content. See col. 9 lines 8-10 and col. 2 lines 52-55. Rump et al. does not disclose that the air ionizer has a positive and a negative electrode. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a positive and a negative electrode because a positive and a negative electrode are needed to establish a self-balancing effect. See col. 4 lines 51-55.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

New rejection basis has been established for the amended and new claims. Please see rejection above. Arguments have been addressed and are not longer applicable.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2836

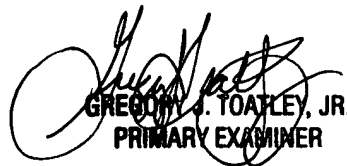
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isabel Rodriguez whose telephone number is 703-305-4761. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 703-308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7724 for regular communications and 703-308-7704 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

IR  
June 13, 2003

  
GREGORY J. TOATLEY, JR.  
PRIMARY EXAMINER